

AMENDMENTS TO THE DRAWINGS

The attached “Replacement Sheet(s)” of drawings includes changes to Figure 3A. The attached “Replacement Sheet(s),” which includes Figure 3A, replaces the original sheets including Figures 1-11.

Attachment: Replacement Sheet(s)

REMARKS

Claims 1-20 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DRAWINGS

The Examiner indicated that new corrected drawings in compliance with 37 CFR § 1.121(d) are required. In response, Applicants have enclosed a full set of "Replacement Sheets" including the previously amended Figure 3A as well as the remaining Figures 1-11.

REJECTION UNDER 35 U.S.C. § 103

Claim 1-4 and 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh (U.S. Pat. No. 5,771,949) in view of Chuang (6,510,879). This rejection is respectfully traversed.

The Chuang reference is not available as prior art to be combined with the Welsh patent under 35 U.S.C. § 103(a). The Chuang reference has a filing date of October 19, 2001, whereas the present application has a priority filing date of April 18, 2001. The April 18, 2001 priority date is derived from application no. 60/284,486, which is the provisional application from which application no. 10/124,746, now U.S. Patent No. 6,601,621, claimed priority. The '621 patent, which was filed on April 17, 2001, is the parent application of application no. 10/428,385, now U.S. Patent No. 6,708,744. The '744 patent, which was filed on May 2, 2003, is the parent application of the present application.

Although the Examiner stated that the '744 patent does not provide adequate support for "a hand crank being vertically movable with the carriage assembly," the Applicants respectfully refer the Examiner to column 4, lines 66-67; column 11, lines 33-41; and column 11, line 58 – column 12, line 11 of the '744 patent.

These sections state, in relevant part, that the planer carriage assembly includes a carriage 40 which, in turn, includes an adjustment mechanism 404 having a "front axle 500, a rear axle 502, a plurality of geared worms 504, a pair of pulleys 506, a belt 508 and a hand wheel 510." "A rotational input to the hand wheel 510 operates to rotate the front axle 500. The pulley 506 that is coupled to the front axle 500 the belt 508 and the pulley 506 that is coupled to the rear axle 502 cooperate to transmit the rotational input to the rear axle 502, causing the rear axle 502 to rotate in a manner that is identical to that of the front axle 500. As the geared worms 504 are coupled for rotation with the front and rear axles 500 and 502 and meshingly engaged to the worm gear teeth 484 that are formed into the circumference of the mid-flange 474 of the lower lock nuts 432, the rotational input is also transmitted through the geared worms 504 and into the worm gear teeth 484 of their associated lower lock nut 432, causing the lower lock nuts 432 to rotate. As the coupling tab 458 of the upper lock nut 430 is engaged in the slotted aperture 478 of the lower lock nut 432, rotation of the lower lock nuts 432 causes the upper lock nuts 430 to rotate in an identical manner. The common rotation of the upper and lower lock nuts 430 and 432 causes the nut assemblies 402 to traverse along the adjustment portion 412 of the guide posts 400 to thereby lift or lower the carriage 40 in a highly controlled and accurate manner." These sections along with Figs. 2 and 8, provide more than adequate support for "a hand crank being vertically movable with the carriage assembly."

Furthermore, these same sections and Figures (2 and 8) can be found in the '621 patent in column 5, lines 52-53; column 12, line 20-28; column 12, lines 45-65 and the provisional application, 60/284,486, in paragraph 54, lines 1-2; paragraph 81, lines 1-6 and paragraph 85.

Since the present application has a priority filing date of April 18, 2001, which is earlier than the Chuang reference filing date of October 19, 2001, the Chuang reference can not be considered prior art to the present application and, therefore, is not available as prior art to be combined with the Welsh patent under 35 U.S.C. § 103(a).

Without the Chuang reference, the Welsh reference, alone, cannot support the 35 U.S.C. § 103(a) rejection. In particular, claims 1, 10 and 15 require “a hand crank attached to the carriage assembly for changing the distance between the base assembly and the carriage assembly, the hand crank being vertically movable with the carriage assembly.” As admitted by the Examiner, the Welsh patent does not teach, disclose, or suggest a planing machine having a hand crank attached to the carriage assembly where the hand crank is vertically movable with the carriage assembly. Thus, the Welsh patent cannot render claims 1, 10 and 15 and their dependent claims unpatentable.

The Examiner also rejected claims 5-9 under 35 U.S.C. § 103(a) as being unpatentable over Welsh (U.S. Pat. No. 5,771,949) in view of Chuang (U.S. Patent No. 6,510,879) and Buttke (U.S. Pat. No. 2,792,036). This rejection is respectfully traversed.

As discussed above with respect to claims 1-4 and 10-15, the Chuang reference is not available as prior art to be combined with Welsh and Buttke under 35 U.S.C. § 103(a). Without the Chuang reference, the Welsh and Buttke references cannot support the 35 U.S.C. § 103(a) rejection. In particular, claim 5 requires “a hand crank attached to the carriage assembly for changing the distance between the base assembly and the carriage assembly, the hand crank

being vertically movable with the carriage assembly.” As discussed above, the Examiner admitted that the planing machine disclosed in the Welsh patent does not teach, disclose, or suggest a hand crank attached to the carriage assembly where the hand crank is vertically movable with the carriage assembly. Furthermore, the Buttke patent also does not teach, disclose, or suggest a planer having a hand crank attached to the carriage assembly where the hand crank is vertically movable with the carriage assembly. Thus, the Welsh/Buttke patent combination cannot render claim 5 and its dependent claims unpatentable.

The Examiner also rejected claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Welsh (U.S. Pat. No. 5,771,949) in view of Chuang (U.S. Patent No. 6,510,879) and Chen (U.S. Pat. No. 5,988,239). This rejection is respectfully traversed.

As discussed above with respect to claims 1-4 and 10-15, the Chuang reference is not available as prior art to be combined with Welsh and Chen under 35 U.S.C. § 103(a). Without the Chuang reference, the Welsh and Chen references cannot support the 35 U.S.C. § 103(a) rejection. In particular, claim 16 requires “a hand crank attached to the carriage assembly for changing the distance between the base assembly and the carriage assembly, the hand crank being vertically movable with the carriage assembly.” As discussed above, the Examiner admitted the planing machine disclosed in the Welsh patent does not teach, disclose, or suggest a hand crank attached to the carriage assembly where the hand crank is vertically movable with the carriage assembly. Furthermore, the Chen patent also does not teach, disclose, or suggest a planer having a hand crank attached to the carriage assembly where the hand crank is vertically movable with the carriage assembly. Thus, the Welsh/Chen patent combination cannot render claim 16 and its dependent claims unpatentable.

ALLOWED SUBJECT MATTER

Applicants appreciate the Examiner's indication that claims 19-20 are allowed.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 821-1641.

A one month extension fee is believed due. Furthermore, the Commissioner is authorized to charge payment of any fees due in the processing of this amendment, or credit any overpayments to Deposit Account No. 02-248.

Respectfully submitted,

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[MRJ/edp]